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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,536	07/30/2002	Stephen Bardell	P/61996-PCT	4998
7590 11/04/2003				
Kirschstein Ottinger Israel & Schiffmiller 489 Fifth Avenue New York, NY 10017-6105		EXAMINER TAKAOKA, DEAN O		
		ART UNIT 2817 PAPER NUMBER		

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,536

Applicant(s)

BARDELL ET AL.

Examiner

Dean O Takaoka

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15, 17, 20-23, 26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 16, 18, 19, 24, 25, 27, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: The specification recites reference number 14 as the "tuning door" (page 6, line 2). With respect to Fig. 5, reference number 14 is not shown. With respect to Fig. 6, reference number 13 is disclosed as the "tuning door" and reference number ⁴1~~3~~ is disclosed as the "mechanism" 14. The Examiner requests reference number 14 deleted on page 6, line 2 to avoid confusion.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 17, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al. (U.S. Patent No. 2,737,631).

Claim 15:

Beck et al. shows a high frequency apparatus (e.g. electromagnetic wave resonator – col. 1, lines 16,17) comprising: a movable wall having a support (12) which carries an electrical conductive plate (13) and being an active surface during use (where the plate flexes during tuning and is rotateable in the support - col. 2, lines 21-29); and a plurality of contact fingers (14) at the periphery of the movable wall and being integral with the conductive plate.

Claim 17:

Where the support is a framework (where conductive plate 13 is integral with fingers 14, thus comprising a framework – col. 2, lines 27-29).

Claim 20:

Where the movable wall is a tuning door for a resonant cavity (inherent, where the tunable resonant cavity of Beck et al. has the same functionality as the current invention, thus the movable wall inherently defined as a ‘tuning door’ as defined by the Applicant’s admitted prior art as disclosed in the specification – page 1, line 12).

Claim 21:

Where the conductive plate is constituted of beryllium copper (col. 2, lines 25-29).

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent No. 3,581,190).

Claim 26:

Brown shows a method of manufacturing a movable wall for a high frequency apparatus (e.g. microwave - abstract) comprising: taking a plate of conductive material (74); forming contact fingers (76) at a periphery of the plate (where the periphery is defined as the perimeter which may comprise an inner perimeter of 14); and then mounting the plate on a support (inherent in that the fingers 76 which provide tension against the cavity wall 14 would inherently have to be formed before insertion to support cavity 14; further inserted on the support where the fingers, while be inserted into the cavity are also on the interior face of the wall, thus being placed on the support).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al.

Claim 26:

Beck et al. teaches the high frequency apparatus, discussed in the reasons for rejection of claim 15 above; further where the ends of the conductive plate (13) is mounted or connected to rollers or supports (12); but is silent where the contact fingers (14) are formed prior to the conductive plate or strip being mounted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the contact fingers before mounting the strip to the support. Such a method of implementation would have been obvious for ease of manufacturing in that any defect to the construction of the fingers may be corrected, replaced, and/or removed before implementation to the support thus suggesting the obviousness of the modification.

Claim 28:

Where the plate is constituted of beryllium copper (discussed above in claim 21).

Claims 22, 23, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. in view of (GB Patent No. 2,140,976), prior art supplied by the Applicant.

Claims 22, 23, 29, and 30:

Beck et al. teaches the high frequency apparatus, discussed in the reasons for rejection of claim 15 above; further comprising a conductive plate (13) made of well-known metal such as beryllium copper but is silent for the conductive plate comprising specific well-known art-recognized equivalent metallizations such as silver and gold plated.

Applicant's prior art (GB '976) also teaches a high frequency apparatus further comprising a conductive plate (unlabeled) with supporting fingers (e.g. slotted spring blades 5) made from a specific well-known art-recognized equivalent metallization such as silver plating (page 1, lines 18-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the well-known metal such as beryllium copper disclosed by Beck et al. with well-known art-recognized equivalent metallizations such as silver plating disclosed by the Applicant's prior art (GB '976) or a specific well-known art-recognized equivalent gold plating. Such a modification would have been a mere substitution of well-known art-recognized equivalent metallizations; further where the use of silver plating is capable of short-circuiting currents over 1000 amps (GB '976 – page 1, lines 9-20) thus suggesting the obviousness of the modification.

Allowable Subject Matter

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Claims 16, 18, 19, 24, 25, 27, 31, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

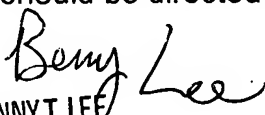
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Linder – shows a shorting piston.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O Takaoka whose telephone number is (703) 305-6242. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

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October 30, 2003